

EXHIBIT 258

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 SHERMAN DIVISION
4 THE STATE OF TEXAS, et al.,)
5 Plaintiffs,)
6)
7 VS.) Civil Action No.
8) 4:20-cv-00957-SDJ
9 GOOGLE LLC,)
10 Defendant.)
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14

9 ORAL AND VIDEOTAPED DEPOSITION OF
10 ELIN ALM
11 MAY 2, 2024
12 (REPORTED REMOTELY)
13
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14 ORAL AND VIDEOTAPED DEPOSITION OF ELIN ALM,
15 produced as a witness at the instance of the Defendant,
16 and duly sworn, was taken in the above-styled and
17 numbered cause on May 2, 2024, from 8:02 a.m. to
18 10:27 a.m., before Donna Wright, CSR in and for the
19 State of Texas, reported by machine shorthand and
20 remotely via Zoom, pursuant to the Federal Rules of
21 Civil Procedure, the 22nd Emergency Order Regarding the
22 COVID-19 State of Disaster, and any stipulations or
23 agreements stated on the record or attached hereto.
24
25

Job No. CS6655501

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1 A P P E A R A N C E S
2

3 FOR THE PLAINTIFF STATES:

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5 THE LANIER LAW FIRM, P.C.
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11 FOR THE DEFENDANT GOOGLE LLC:

12 Mr. Matthew C. Zorn
13 Ms. Ayla S. Syed
14 YETTER COLEMAN LLP
15 811 Main Street
16 Suite 4100
17 Houston, Texas 77002
18 (713) 632-8070
19 mzorn@yettercoleman.com
20 asyed@yettercoleman.com

21 ALSO PRESENT:

22 Peter Zierlein - Videographer
23 Anna Schneider (via Zoom)

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1 the state of North Dakota?

2 A. I can't answer that.

3 MR. WILKERSON: Objection, form.

4 THE WITNESS: Sorry.

5 MR. WILKERSON: Go ahead, Elin. You can
6 answer to the extent you're not dealing with work
7 product.

8 THE WITNESS: I can't answer that without
9 disclosing work product.

10 Q. (BY MR. ZORN) So, again, the existence of an
11 investigation, you're asserting work product to deny
12 Google an answer to the question as to whether North
13 Dakota did any investigation?

14 A. You didn't ask me whether we did an
15 investigation. You didn't ask me whether we did an
16 investigation into how many North Dakota persons use ad
17 tech. That's a specific fact. It's not whether we did
18 an investigation. Of course we did an investigation.

19 Q. Are you -- are you aware of any investigation
20 that North Dakota conducted in determining how many
21 North Dakota users use Google's ad tech products?

22 A. Again, that's work product, whether we
23 conducted a separate investigation into that.

24 And our investigation is into the entire
25 market, which would include North Dakota users.

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1 Q. So is North Dakota's claim in this case that
2 its citizens have been harmed because there is a
3 national market for Google's ad tech products among
4 other ad tech products?

5 A. Yes, Google's legal -- or unlawful conduct
6 affected a national market. Our players in that market
7 are affected just like anybody else in any other state.

8 Q. Okay. What -- what is the market that you're
9 referring to?

10 A. Ad server, ad exchange, and ad tools,
11 advertising tools.

12 Q. So the market is ad tools, ad servers, and
13 what else did you mention?

14 A. Ad exchange. Which, again, is defined in our
15 complaint.

16 Q. So how many hours did you spend preparing for
17 today's deposition?

18 A. 50 or 60, probably.

19 Q. 60.

20 When did you start preparing for today's
21 deposition?

22 A. Well, it depends what you mean by "preparing
23 for" since I'm working the case. But probably as soon
24 as we got the notice because my deposition was supposed
25 to be earlier. So I did quite a bit of prep for that.

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1 before the completion of the deposition and that the
2 signature is to be before any notary public and
3 returned within 30 days from date of receipt of the
4 transcript. If returned, the attached Changes and
5 Signature Page contains any changes and the reasons
6 therefore:

7 _____ was not requested by the deponent or a
8 party before the completion of the deposition.

9 I further certify that I am neither counsel
10 for, related to, nor employed by any of the parties or
11 attorneys in the action in which this proceeding was
12 taken, and further that I am not financially or
13 otherwise interested in the outcome of the action.

14 Certified to by me on this, the 3rd day of
15 May, 2024.

16

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19

DONNA WRIGHT, Texas CSR 1971

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Expiration Date: 11/30/24

21

VERITEXT LEGAL SOLUTIONS

22

300 Throckmorton Street

23

Ft. Worth, Texas 76102

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Firm Registration No. 571

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